REMARKS

This application has been reviewed in light of the Office Action dated December 19, 2009. Claims 16-32 are pending in this application. Claims 16, 31, and 32 are in independent form and have been amended. Claims 1-15 were previously canceled in this application. Favorable reconsideration is respectfully requested.

The Office Action rejected claims 16-22, 24 and 26-32 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,022,772 (Kageyama) in view of U.S. Patent No. 2,049,965 (Leistenschneider); rejected claim 23 under 35 U.S.C. § 103(a), as being unpatentable over Kageyama in view of Leistenschneider, further in view of U.S. Patent No. 2,055,316 (Sharrow) and rejected Claim 25 under 35 U.S.C. § 103(a), as being unpatentable over Kageyama in view of Leistenschneider, further in view of U.S. Patent No. 3,379,490 (Schwartzman).

In response to the rejection above and in view of points 25 and 28 of the Office Action, Applicants have amended claims 16, 31 and 32 to clearly limit the scope of the claims to include the feature that "said chuck, said clamping ring and said bush move together toward the rear end when a user exerts an excessive pressure on the lead, said elastic element being the single element compressed during the movement toward the rear end for imparting a cushioning effect"

This limitation is supported by the specification as filed, in particular by the description provided at § [0090-0091] , page 5, of the published application of this application (US2007/0134046). More specifically, upon an excessive pressure exerted by the user on the lead (6) the chuck (30), the clamping ring (18) and the bush (40) move from the rest position represented in Figs. 2 and 7 toward the rear end, possibly up to the position shown in Figs. 5 and 8. The fact that the elastic element (19) is a single element compressed during the rearward movement is clear from the fact that it is the single elastic element in the described embodiments.

Applicants further submit that the invention as recited in claims 16, 31 and 32 relates to a mechanical pencil which provides the possibility of a rearward movement of the pencil led when the user exerts an excessive pressure in order to prevent the led from breaking. To realize that cushioning function, it is known in the prior art to provide the mechanical pencil with an additional elastic means, in addition to the elastic means that urges the clamping ring over the head of the chuck (see § [0003], at page 1, of the published application for this

application). However, an additional elastic means increases the number of parts and complicates the assembly (see § [004], at page 1, of the published application for this application). By the provision of a movable bush (40) and a movement between the chuck (30) and the movable member (20) over a defined stroke, the elastic element (19) enables a rearward movement of the chuck (30), the clamping ring (18) and the bush (40). Consequently, the elastic element (19) imparts a cushioning effect, in addition to the clamping effect on the head of the chuck with the aid of the bush (40) and the clamping ring (18).

As correctly noted by the Examiner in the previous Office Action, independent claims 16, 31 and 32 are distinguishable over Kageyama in that the chuck (30) is movable longitudinally with respect to the movable member (20) over a defined stroke. In addition, independent claims 16, 31 and 32 are distinguishable over Kageyama by the recitation of a single element (19) which biases the clamping ring (18) against the head (32) of the chuck and which is compressed during the movement of the chuck toward the rear end. Applicants note that in Kageyama, both resilient members 11 and 12, push the sleeve (8) forward and consequently bias together the clamping ring (10) against the head of the chuck 9. Additionally, when an excessive pressure on the lead "S" moves rearwardly the second cushion resilient member 12 is compressed (col. 7, ll. 26-30), since the chuck 9 is fixedly attached to the lead guide member 6.

As correctly noted by the Examiner, Leistenschneider discloses a mechanical pencil which has no cushioning function, nor any possibility to absorb an excessive pressure exerted on the lead.

Therefore, a person skilled in the art that would like to simplify the cushioning function of Kageyama, would not have taken Leistenschneider into consideration.

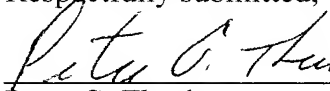
Additionally, Applicants submit that Leistenschneider discloses a mechanical pencil having two elastic members, a coiled spring 5 and a spring 9' are arranged thereabove. Consequently, even if a skilled person would have taken Leistenschneider into consideration, he would have not found any teaching leading him to replace a mechanism including two elastic members, by a mechanism including a single one.

Consequently, the amended independent claims 16, 31 and 32 are considered patentable over Kageyama in view of Leistenschneider, and in view of any other cited art having a cushioning function since all of them comprise at least two elastic elements, at least one being used only for performing the cushioning function. In addition, at least for the reasons provided above, dependent claims 17-30 are patentable over the cited prior art as they depend from claim 16.

In light of the above amendments and remarks, Applicants respectfully request that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date: April 16, 2010



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